United Nations CMW/C/SEN/CO/2-3

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
20 May 2016
English
Original: French

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding observations on the combined second and third periodic reports of Senegal*

1. The Committee considered the combined second and third periodic reports of Senegal (CMW/C/SEN/2-3) at its 312th and 313th meetings (CMW/C/SR.312 and 313), on 13 and 14 April 2016. At its 323rd meeting, on 21 April 2016, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's combined second and third periodic reports, prepared in reply to the list of issues prior to reporting (CMW/C/SEN/QPR/2-3), as well as the additional information provided during the dialogue with the multisectoral delegation, which was headed by the Permanent Representative of Senegal to the United Nations Office at Geneva, Mame Baba Cisse, and included representatives of the Ministry of Justice, the Ministry for Women, the Family and Children, the Ministry of Labour, Social Dialogue, Professional Organizations and Institutional Relations, the Ministry of Foreign Affairs and Senegalese Abroad, and the Permanent Mission of Senegal to the United Nations Office at Geneva. The Committee also appreciated the frank, open and constructive dialogue with the delegation.

3. The Committee notes that Senegal, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals working abroad. Nonetheless, as a country of transit and destination, the State party faces a number of challenges as regards the protection of the rights of migrant workers in its territory.

4. The Committee notes that some of the countries in which Senegalese migrant workers are employed are not yet parties to the Convention, which may be an obstacle to migrant workers' enjoyment of their rights under the Convention.

* Adopted by the Committee at its twenty-fourth session (11-22 April 2016).

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B. Positive aspects

5. The Committee welcomes the State party's ratification of, or accession to, the following international instruments:

(a) The Convention on the Rights of Persons with Disabilities, in September 2010;

(b) The Multilateral Social Security Convention of the Inter-African Conference on Social Security, in June 2014;

(c) The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, in August 2011.

6. The Committee notes with appreciation the adoption of the following legislative measures:

(a) The amendments to ministerial decrees Nos. 3748 to 3750/MFPTEOP/DTSS of 2003 and to article 145 of the Labour Code (1997), in 2015;

(b) Act No. 2013-05 amending Act No. 61-10 of 7 March 1961 on Senegalese nationality.

7. The Committee notes with satisfaction the adoption of the following policy and institutional measures:

(a) The National Framework Plan for the Prevention and Eradication of Child Labour and the accompanying action plan (2012–2016);

(b) The National Framework Plan for the Eradication of Child Begging (2013-2015);

(c) The National Action Plan to Combat Trafficking in Persons (2012-2014);

(d) The National Programme on Universal Health-Care Coverage in 2013;

(e) The project on local development and legal migration as an alternative to clandestine immigration (2011-2012);

(f) The Programme of Support for Development Initiatives (2009-2011);

(g) The establishment of the National Unit for the Coordination of the Fight against Trafficking in Persons, in 2010;

(h) The project to prevent illegal migration from Senegal to the European Union;

(i) The project to support the reintegration of clandestine emigrants.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

8. The Committee notes with satisfaction the delegation's statements that the State party has a monist legal system characterized by the primacy of international law over national laws and the direct applicability of international treaties in domestic law. However, the Committee remains concerned that the provisions of the Convention have not been fully incorporated into domestic law. The Committee is concerned about the lack of information on the application of the Convention by domestic courts.

9. **The Committee urges the State party to take all necessary measures to fully incorporate the Convention into domestic law and ensure that its national laws and policies are brought into line with the provisions of the Convention. The Committee also encourages the State party to provide information on the application of the Convention by domestic courts in its fourth periodic report.**

Articles 76 and 77

10. The Committee notes that the State party has not made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of rights established by the Convention.

11. **The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.**

Ratification of relevant instruments

12. The Committee notes with appreciation that the State party has ratified all the core human rights treaties, as well as several conventions of the International Labour Organization (ILO). It notes, however, that the State party has not yet ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), or the ILO Domestic Workers Convention, 2011 (No. 189).

13. **The Committee recommends that the State party consider ratifying, as soon as possible, the optional protocols to the international human rights treaties mentioned above, as well as the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Domestic Workers Convention, 2011 (No. 189).**

Comprehensive policy and strategy

14. The Committee appreciates the adoption of a number of programmes and projects relating to migration, as well as the implementation of the National Employment Policy for 2010-2015 and the accompanying operational action plan. It is nonetheless concerned that there is no comprehensive and strategic migration policy.

15. **The Committee recommends that the State party adopt, implement and provide the necessary funds for a comprehensive policy on the migration of labour, in line with the Convention and in a gender-sensitive manner.**

Coordination

16. The Committee is concerned about the inadequate coordination among the institutions and services involved in the various measures to implement Convention rights.

17. **The Committee recommends that the State party step up its efforts to improve coordination among ministries and agencies at all levels of government with a view to the effective implementation of the rights protected under the Convention. In this connection, the Committee encourages the State party to establish an independent body responsible for the coordination, administration and follow-up of all issues related to the migration of labour or to revive the National Commission on the**

Management and Monitoring of Employment Offers, providing the new body or the revived National Commission with sufficient financial and human resources and capacity to take action.

Data collection

18. The Committee takes note of the adoption of the National Strategy for the Development of Statistics (2014-2019). The Committee also appreciates the information provided by the State party on the basis of comprehensive surveys and population censuses. However, it finds that the statistical data on migration flows to, from and in transit through the State party are insufficient, in particular the data regarding migrant workers and members of their families in an irregular situation and other migration-related issues. Such data would have enabled the Committee to evaluate precisely to what extent and how the rights enshrined in the Convention are implemented in the State party.

19. **The Committee recommends that the State party establish a centralized database to collect qualitative and quantitative migration-related statistics and information covering all aspects of the Convention, including migrant workers in an irregular situation, and that it collect detailed data on the status of migrant workers in the State party. The Committee encourages the State party to compile information and statistics disaggregated by sex, age, nationality, reason for entry to and departure from the country and type of work performed, in accordance with target 17.18 of the Sustainable Development Goals, to effectively inform the relevant policies and the application of the Convention.[1] The Committee also recommends that the State party ensure the cooperation of its consular and diplomatic services abroad in order to compile data on migration, including the situation of irregular migrant workers and victims of trafficking. In cases where it is not possible to obtain precise information — for example, in the case of migrant workers in an irregular situation — please provide information based on studies or estimates.**

Training on and dissemination of the Convention

20. The Committee notes with appreciation the establishment of a website by the Ministry of Foreign Affairs and Senegalese Abroad to provide information on rights under the Convention and conditions of admission, stay and establishment in Senegal; the training sessions for officers deployed to border posts on the topics of document falsification, migration management and respect for migrants' rights; and the two training modules for judges on the application of international conventions. The Committee is nonetheless concerned by the lack of information and training programmes specifically on the Convention and the rights enshrined therein, and by the limited dissemination of such information among stakeholders, including national, regional and local authorities, law enforcement personnel, judges, prosecutors, the relevant consular officials and social workers, as well as civil society organizations, academia, the media, migrant workers themselves and members of their families.

21. **The Committee recommends that the State party develop education and training programmes on the Convention and that such education and training be given to all officials and other persons working in migration-related areas. The Committee also recommends that the State party ensure that migrant workers have access to information about their rights under the Convention. In addition, the State**

[1] The 2030 Agenda for Sustainable Development was adopted on 25 September 2015 by the General Assembly in its resolution 70/1. It consists of 17 Sustainable Development Goals, which are further subdivided into targets.

party should work with academia, civil society organizations and the media to disseminate information on the Convention and promote its implementation.

2. General principles (arts. 7 and 83)

Non-discrimination

22. The Committee notes that, in addition to the Convention, the State party has ratified all the core international human rights treaties, which prohibit discrimination on any grounds whatsoever, and that these instruments, in accordance with article 98 of the Constitution of 2001, are part of the corpus of domestic law. It also notes that the constitutional and legislative framework of the State party contains provisions on combating discrimination, including in the areas of employment, health, education and social security. However, the Committee is concerned about:

(a) The fact that domestic legislation on employment and working conditions does not cover all the prohibited grounds of discrimination enumerated in the Convention (see articles 1 (1) and 7) or contain specific provisions prohibiting discrimination on grounds of nationality;

(b) Reports that migrant workers coming from countries hit by the Ebola outbreak were victims of discrimination and stigmatization, to the detriment, in particular, of their rights to health, education, fairness in employment and housing, and that they are often victims of harassment;

(c) Reports that children born in Senegal to foreign nationals have difficulty obtaining Senegalese nationality, largely as a result of the cumbersome and lengthy naturalization process;

(d) The fact that the rights of migrant workers in an irregular situation, in the informal sector and in transit, as well as those of the families of Senegalese working abroad, are not properly respected, especially with regard to access to social benefits;

(e) The lack of information on actual practice and examples that would make it possible to assess the implementation of the right to non-discrimination pursuant to the Convention in respect of both documented and undocumented migrant workers.

23. **The Committee recommends that the State party take all necessary measures, including legislative amendments, to ensure that all migrant workers and members of their families, both documented and undocumented, within its territory or subject to its jurisdiction, enjoy, without discrimination, the rights recognized by the Convention, in accordance with article 7 thereof. In particular, it recommends that the State party:**

(a) **Introduce in its domestic legislation on employment and working conditions a clear and specific prohibition of discrimination on grounds of nationality to give special protection to migrant workers and members of their families;**

(b) **Take all necessary measures to ensure the effective enjoyment of the rights protected under the Convention by migrant workers coming from countries affected by the Ebola outbreak and to prosecute and punish the perpetrators of the acts of discrimination, stigmatization and harassment to which these migrant workers are subjected;**

(c) **Expedite and simplify naturalization procedures for children born in Senegal to foreign parents, to enable them to acquire Senegalese nationality within a reasonable time frame;**

(d) **Take the necessary measures to ensure that all migrant workers in an irregular situation, in the informal sector and in transit, as well as the families of**

Senegalese working abroad, enjoy equality of treatment with Senegalese nationals, especially with regard to access to social benefits;

(e) Provide, in its fourth periodic report, information on practice in this regard, together with relevant examples, and raise awareness among local authorities, migration officials and the general public of the rights of migrant workers and members of their families.

Right to an effective remedy

24. The Committee notes with satisfaction the information from the State party that there are several remedies available to migrant workers and members of their families in the event of an abuse of authority or a violation of their rights. It is nonetheless concerned that no information has been provided about the number of cases and/or proceedings brought by migrant workers or members of their families, including those in an irregular situation, in connection with violations of their rights under the Convention.

25. **The Committee recommends that the State party ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, have the same opportunities as nationals of the State party to file complaints and obtain effective redress in the courts in cases where their rights under the Convention are violated. The Committee also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in case of a violation of their rights under the Convention.**

3. Human rights of all migrant workers and members of their families (arts. 8-35)

Due process, detention and equality before the courts

26. The Committee notes the delegation's statements that Act No. 78-12 of January 1978 replacing article 11 of Act No. 71-10 of 25 January 1971 on conditions of admission, stay and establishment of foreigners in Senegal is generally not enforced. However, the Committee remains concerned about:

(a) The criminalization of irregular migration under article 11 of the Act on conditions of admission, stay and establishment of foreigners in Senegal;

(b) The absence of accurate, detailed information regarding migrant workers and members of their families in detention;

(c) The fact that migrant workers in an irregular situation are placed in detention with ordinary prisoners and that children are not separated from adults;

(d) The poor conditions of detention due to ageing infrastructure and prison overcrowding;

(e) Reports that the administrative detention of foreigners awaiting deportation can be extended indefinitely, in police stations, as a result of administrative or logistical problems.

27. **The Committee recommends that the State party:**

(a) **Amend Act No. 71-10 of 25 January 1971 on conditions of admission, stay and establishment of foreigners in Senegal so as to decriminalize irregular migration, since the Committee is of the view that, in accordance with its general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, staying in a country in an unauthorized manner or without**

proper documentation or overstaying a residence permit should not constitute a criminal offence;

(b) **Indicate in its next periodic report the number of migrants, disaggregated by age, sex, nationality and/or origin, who are currently being detained for having violated the law on migration, specifying the location, the average length and conditions of detention and providing information on the number of expulsions and the procedures followed;**

(c) **Detain migrant workers for having violated the law on migration only in exceptional circumstances and as a last resort; and ensure in all cases that they are held separately from ordinary prisoners, that women are detained separately from men, that conditions of detention are in conformity with international standards and that alternatives to detention are used for children and their families and for unaccompanied minors;**

(d) **Prohibit and consider alternatives to the administrative detention in police stations of foreigners awaiting deportation from the national territory.**

Expulsion

28. The Committee notes that articles 34 to 38 of the implementing decree of Act No. 71-10 establish expulsion procedures, that the decision to proceed with the expulsion must be justified and that the person concerned has the right to file a suspensive appeal against the administrative decision on grounds of abuse of authority. The Committee is nonetheless concerned about reports that the established procedures for the expulsion of migrant workers have not always been followed by the State party's authorities. The Committee also regrets the lack of information on the number of migrants and members of their families that the State party has decided to expel.

29. **The Committee recommends that the State party take all necessary measures to ensure the effective use of the expulsion procedures established by the implementing decree of Act No. 71-10, as well as respect for the procedural guarantees set forth in the Convention in cases of expulsion. The Committee also encourages the State party to provide updated information, including disaggregated statistics, on the number of migrant workers expelled and the procedures followed.**

Consular assistance

30. The Committee notes that the State party, through its Department of Legal and Consular Affairs, the Directorate-General of Senegalese Abroad and its diplomatic and consular services, has a duty to assist Senegalese nationals, including those in an irregular situation, during their stay abroad, particularly those who are deprived of their liberty or subject to expulsion. However, the Committee is concerned by reports that the protection and legal assistance provided by the Senegalese diplomatic or consular services to Senegalese migrant workers abroad, in particular those who are deprived of their liberty or subject to expulsion, remain inadequate. The Committee also regrets the lack of information on visits by the diplomatic or consular authorities to places of detention in host countries to look into the status of Senegalese prisoners or on measures taken to inform the diplomatic or consular personnel of the States of origin about the situation of migrant workers detained in Senegal.

31. **The Committee recommends that the State party:**

(a) **Facilitate access by Senegalese migrant workers residing abroad to consular and diplomatic assistance from the State party, particularly in cases of detention or expulsion;**

(b) **Ensure that its consular services effectively carry out their duty to protect and promote the rights of Senegalese migrant workers and members of their families and, in particular, provide the necessary assistance to any such persons who are deprived of liberty or subject to an expulsion order;**

(c) **Take the necessary steps to ensure that the consular or diplomatic staff of the States of origin or of a State representing the interests of those States are systematically informed when one of their nationals is taken into custody in the State party.**

Social security

32. The Committee notes that the Labour Code prohibits and punishes any discrimination in the treatment of salaried workers, whether Senegalese or foreign nationals, with regard to remuneration, working conditions and social security. However, it regrets the inadequacy of the provisions on the right of migrant workers and members of their families to equality of treatment with nationals in connection with social security in the bilateral agreements signed by Senegal with, inter alia, France, Spain, Italy, Mali, Mauritania, Morocco and Gabon.

33. **The Committee recommends that the State party:**

(a) **Ensure that all migrant workers and members of their families — regardless of their migration status — are afforded, in law and in practice, equality of treatment with Senegalese workers in respect of remuneration and working conditions and are in a position to subscribe to a social security scheme, and that they are informed of their rights in this regard;**

(b) **Systematically negotiate the inclusion of provisions on social security in bilateral and multilateral agreements on labour migration in order to, inter alia, facilitate the transfer of social contributions paid by Senegalese emigrants in the host country upon their return to Senegal.**

34. The Committee welcomes the information provided by the State party indicating that disability pensions, old-age pensions and survivor's pensions can be transferred outside the country and that foreign beneficiaries can receive their pensions in their home country, provided that they meet the requisite conditions for entitlement to those benefits. It notes with concern, however, that, pursuant to article 94 of Act No. 73-37 of 31 July 1973 establishing the Social Security Code, in the absence of a social security agreement between the State party and a migrant worker's country of origin, or if a country's legislation does not guarantee Senegalese workers the same rights as nationals, a migrant worker who is injured at work in Senegal and later leaves the country is eligible to receive only a lump sum payment, and members of his or her family receive no compensation if they were not residing in Senegal at the time of the accident.

35. **The Committee recommends that the State party amend its legislation so as to ensure that all migrant workers and members of their families enjoy equality of treatment with nationals of the State party in relation to access to social services and benefits, including with regard to disability pensions, provided that the requirements for participation in the respective schemes are met, as stipulated in article 43 of the Convention.**

Emergency medical care

36. The Committee notes the information provided by the State party indicating that migrant workers, irrespective of their migration status, enjoy access to health care in the same conditions as national workers. The Committee regrets, however, that more complete

information was not provided on access, in law and in practice, of migrant workers and members of their families, irrespective of their migration status, to medical care that is urgently required for the preservation of their lives or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State party. The Committee also finds it regrettable that no information was provided about maternity and family allowances available to migrant workers living in the State party.

37. **The Committee recommends that the State party provide, in its next periodic report, information on:**

(a) **Access available, in law and in practice, to all migrant workers and members of their families, irrespective of their migration status, to medical care that is urgently required for the preservation of their lives or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State party in accordance with article 28 of the Convention;**

(b) **Maternity and family allowances available to migrant workers living in the State party.**

Education

38. The Committee notes that Act No. 91-22 of 16 February 1991 (National Education Guidelines Act), as amended by Act No. 2004-37 of 15 December 2004, grants access to the education system to all children living in Senegal, including children of migrant workers. It also notes that schools are not required to inform the authorities about children's migration status. The Committee is concerned, however, that no information was provided on specific programmes that ensure effective access to education for migrant workers and members of their families in the State party.

39. **The Committee recommends that the State party adopt concrete and effective measures to ensure access to the education system for migrant workers, and especially their children, including through addressing linguistic barriers, in accordance with article 30 of the Convention.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)

Pre-departure programmes, right to be informed

40. The Committee notes that the Ministry of Foreign Affairs and Senegalese Abroad has set up a website to inform migrant workers about their rights under the Convention and about the conditions for entry to and residence in Senegal. It also notes the establishment of the High Council for Senegalese Nationals Living Abroad and an office within the Ministry to receive, advise and monitor emigrants. However, the Committee is concerned about the limited impact of such measures and about the lack of information provided on steps taken by the State party to inform its nationals who are considering emigrating about entry and residence requirements of host countries and about the dangers of irregular migration.

41. **The Committee recommends that the State party increase its efforts to disseminate information on the rights of migrant workers under the Convention in the State party, and on the conditions for their entry and employment. The Committee also recommends that the State party inform its nationals who are considering migrating and members of their families about their rights under the Convention and of their rights and obligations in the State of employment, as well as of the dangers of irregular migration. In this respect, the Committee recommends that the State party establish targeted pre-departure and awareness-raising programmes, including in**

consultation with relevant non-governmental organizations, migrant workers and their families, and recognized and reliable employment agencies.

Right to form trade unions

42. The Committee again notes with regret (CMW/C/SEN/CO/1, para. 16) that, under article L.9 of the Senegalese Labour Code (Act No. 97-17 of 1 December 1997), the right of migrant workers to serve as officials of associations and trade unions is subject to a reciprocal agreement with the migrant worker's country of origin and is therefore not guaranteed equally to all migrants.

43. **The Committee again recommends that the State party (CMW/C/SEN/CO/1, para. 16) take all necessary measures to guarantee to all migrant workers and members of their families legally residing in Senegal their right to serve as officials of associations or trade unions to which they belong, without the condition of reciprocity with their country of origin.**

Right to vote and to be elected in State of origin

44. The Committee notes that, following the referendum of 20 March 2016, the Constitution was amended to allow Senegalese migrants abroad to be represented in the National Assembly. The Committee is concerned, however, that more complete information was not provided about Senegalese migrants' effective enjoyment of their right to participate in the public affairs of their State of origin and to vote and be elected in their country's elections.

45. **The Committee invites the State party to provide, in its next periodic report, information on the opportunities available to Senegalese nationals living abroad to take part in their country's public affairs and on their participation in presidential and legislative elections. The Committee encourages the State party to take all necessary measures, including targeted information campaigns, to ensure Senegalese migrants' effective exercise of their right to vote.**

Family reunification

46. The Committee is concerned that no information was provided on the exercise of migrant workers' right to family reunification.

47. **The Committee invites the State party to provide information, in its fourth periodic report, on the measures taken to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children, in accordance with article 44 of the Convention.**

Bank transfers of earnings and savings

48. The Committee notes with satisfaction the high volume of remittances flowing into the State party from migrant workers living abroad, the significant contribution that these funds represent for the development of the State party, and the innovative arrangements put in place to facilitate and reduce the cost of such transfers. The Committee finds it regrettable, however, that no specific information was provided about partnerships established with financial institutions to facilitate the transfer of earnings and savings of Senegalese migrant workers abroad and of migrant workers living in the State party.

49. **The Committee encourages the State party to:**

(a) **Provide information on partnerships established with financial institutions to facilitate the sending of remittances to the State party by Senegalese migrant workers living abroad;**

(b) **Step up its efforts to reduce the cost of sending and receiving funds, including through the application of preferential rates, in accordance with target 10.c of the Sustainable Development Goals;**

(c) **Make savings modalities more accessible to migrant workers and members of their families;**

(d) **Continue its efforts to help the recipients of such remittances to acquire the necessary skills for investing the funds in sustainable income-generating activities.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64-71)

Sound, equitable and humane conditions for international migration

50. The Committee welcomes the existence of cooperation agreements and memorandums of understanding on migration concluded with France, Spain, Italy, Mauritania, Gabon, Mali, Djibouti and Morocco, as well as the application of the Treaty establishing the Economic Community of West African States, which advocates the free movement of citizens of member States, and their property, within the corresponding economic area in West Africa. It also notes the existence of repatriation agreements with France, Italy and Spain. The Committee finds it regrettable, however, that the State party has not signed bilateral or multilateral agreements with other States of employment where large numbers of Senegalese migrants live, such as the Gambia, Guinea, Guinea-Bissau, Burkina Faso, Nigeria and some countries in northern Africa and Europe, so as to ensure that Senegalese migrants and members of their families enjoy sound, equitable and humane conditions and that their social, economic and cultural needs are met.

51. **The Committee recommends that the State party step up its efforts to sign bilateral and multilateral agreements with countries of destination and transit that would be conducive to regular migration, ensure sound, equitable and humane conditions for Senegalese migrant workers living abroad and provide them with procedural guarantees, and ensure that expelled Senegalese migrant workers are not subjected to ill-treatment. The Committee again recommends that the State party (CMW/C/SEN/CO/1, para. 17) ensure that its memorandums of understanding and bilateral agreements with countries hosting Senegalese migrant workers include provisions that are consistent with articles 22 and 67 of the Convention and that its nationals in host countries are able to seek protection and assistance, including legal assistance if needed, from the consular authorities so that their rights may be respected.**

Employment agencies

52. The Committee regrets that only limited information was provided on private employment agencies in the State party that recruit migrant workers to work abroad and on legislation and regulations pertaining to private recruitment.

53. **The Committee recommends that the State party take the following measures:**

(a) **Establish a regulatory regime for private employment agencies, including a licensing system, recruitment monitoring, and inspections to prevent such**

agencies from charging excessive fees for their services and from acting as intermediaries for abusive foreign recruiters;

(b) *Ensure that private employment agencies provide complete information to individuals seeking employment abroad and that they guarantee the effective enjoyment of all agreed employment benefits, in particular salaries;*

(c) Consider adopting a "no placement fee" policy for persons seeking to work abroad.

Return and reintegration

54. The Committee takes note of the existence in the State party of an operational service specializing in the repatriation of Senegalese expatriates in crisis situations (Committee for Aid and Assistance to Refugees and Repatriated Persons). It notes as well that the Ministry of Foreign Affairs and Senegalese Abroad has established a special fund to assist Senegalese migrants with return and reintegration. The Committee regrets, however, the lack of details on how this fund works and what its eligibility requirements are, as well as on the measures taken by the Ministry and other relevant bodies to ensure the orderly return of Senegalese migrants after their stay abroad. The Committee notes with concern that no information was provided on the number of Senegalese nationals still present in Libya who wish to be repatriated.

55. **The Committee invites the State party to provide, in its next periodic report, additional information on the workings and eligibility requirements of the special migrant assistance fund and on specific measures taken by the Ministry of Foreign Affairs and Senegalese Abroad to create appropriate social, economic and cultural conditions to facilitate the return and long-term reintegration of Senegalese migrant workers and members of their families in the State party. The Committee also invites the State party to ensure that all Senegalese nationals still present in Libya who wish to be repatriated have effective access to the repatriation assistance provided by the Committee for Aid and Assistance to Refugees and Repatriated Persons.**

Illegal or clandestine movements and employment of migrant workers in an irregular situation

56. The Committee welcomes the State party's adoption of important legislative, policy and institutional measures to combat trafficking in persons and related practices, such as the National Action Plan to Combat Human Trafficking in Persons (2012-2014) and the National Framework Plan to Eradicate Child Begging (2013-2015), the establishment of a unit to coordinate national efforts to combat human trafficking and the signing of agreements with neighbouring countries on the prevention and elimination of child trafficking. The Committee is, however, concerned by:

(a) The lack of studies, analyses and disaggregated data that would make it possible to assess the extent of trafficking not only into the State party but also in transit through or from it;

(b) Information received with regard to:

(i) Senegalese nationals who are victims of trafficking or forced labour in agriculture, gold-mining or domestic work in countries of West Africa or victims of domestic servitude in European countries, the United States of America and the Middle East;

(ii) Senegalese children who are forced to beg and are exploited by marabouts in neighbouring countries;

(c) Reports about the presence in the State party of:

(i) Women and children from other West African countries, such as Ghana, Liberia, Nigeria and Sierra Leone, who are victims of sexual exploitation, especially for purposes of sex tourism, forced labour and domestic servitude;

(ii) Children from the region working in small-scale gold-mines, some of whom are victims of trafficking, abuse and sexual exploitation;

(iii) Children from the Gambia, Guinea, Guinea-Bissau and Mali who are forced to beg and are exploited for financial gain by marabouts;

(d) The inadequate human and financial resources allocated to the prevention and elimination of human trafficking, including for the unit coordinating the national efforts to combat human trafficking;

(e) The insufficient efforts made to identify victims of trafficking and exploitation, in particular children who are forced to beg;

(f) The limited enforcement of Act No. 2005-06, on combating trafficking in persons and related practices and on the protection of victims, and insufficient training of the officials responsible for its enforcement;

(g) The invocation of Act No. 2005-06 to prosecute Senegalese migrants attempting the crossing to Europe.

57. **The Committee recommends that the State party:**

(a) **Systematically collect data disaggregated by gender, age and origin so as to better combat human trafficking and smuggling;**

(b) **Step up campaigns on the prevention of trafficking and smuggling of migrant workers and take appropriate measures to stop the dissemination of misleading information regarding emigration and immigration;**

(c) **Improve the training of police officers and other law enforcement officials, border guards, judges, prosecutors, labour inspectors, teachers, health-care personnel and the State party's embassy and consular personnel regarding efforts to combat human trafficking and smuggling;**

(d) **Promptly, effectively and impartially investigate, prosecute and punish all acts of human trafficking and smuggling and other related offences, and deal expeditiously with cases filed against human traffickers and smugglers;**

(e) **Allocate appropriate human and financial resources to the unit coordinating national efforts to combat human trafficking with a view to effectively implementing strategies to prevent and eliminate human trafficking;**

(f) **Step up efforts to identify victims and provide protection and assistance to all victims of trafficking, with particular regard to housing, medical care and psychosocial support, in addition to other measures to facilitate their reintegration into society;**

(g) **Amend Act No. 2005-06, on combating trafficking in persons and related practices and providing protection to victims of trafficking, in order to ensure criminal immunity for migrants who are victims of trafficking;**

(h) **Increase international, regional and bilateral cooperation to prevent and combat trafficking in persons.**

58. The Committee is concerned by the large number of Senegalese who die attempting to emigrate to Europe, the small number of investigations carried out in countries of transit

and destination with a view to bringing those responsible to justice, the failure of those countries to take steps to identify and repatriate human remains and the little that is done by the State party to address the root causes of irregular migration.

59. **The Committee recommends that the State party strengthen international cooperation with the countries of transit and destination of Senegalese migrant workers with a view to increasing the number of regular migration channels; conduct adequate investigations and combat the criminal groups involved in the smuggling of migrants; step up public outreach campaigns at the local level on the dangers of irregular migration; take all appropriate measures to facilitate the identification and repatriation to the State party of the remains of Senegalese who die while attempting to emigrate; and take all the measures necessary to address the root causes of irregular migration.**

Regularization

60. The Committee reaffirms its concern that the responsibility for ending the irregular situation in which migrant workers may find themselves lies with the migrant workers themselves, who are required to contact the services of the Aliens Police and Travel Documents Directorate to obtain information on how to regularize their situation (CMW/C/SEN/CO/1, para. 23). The Committee is concerned that there are no measures to provide migrant workers with information and support during that process and emphasizes that it is the responsibility of the State party to take appropriate measures to implement articles 68 and 69 of the Convention.

61. **The Committee again recommends that the State party take proactive and effective measures to ensure that migrant workers and members of their families do not remain in an irregular situation (CMW/C/SEN/CO/1, para. 23). In this regard, the State party is encouraged to launch an information campaign on the rights of migrant workers and the procedure to be followed for regularizing the situation of migrant workers in an irregular situation. The Committee recommends that this regularization procedure be accessible and expeditious and that migrant workers in an irregular situation receive support throughout this process.**

6. Follow-up and dissemination

Follow-up

62. **The Committee requests the State party to include in its fourth periodic report detailed information on measures taken to follow up on the recommendations made in the present concluding observations. The Committee recommends that the State party take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and Parliament, as well as local authorities.**

63. **The Committee requests the State party to involve civil society organizations more closely in the implementation of the recommendations contained in the present concluding observations.**

Follow-up report

64. **The Committee requests the State party to provide, within two years — that is, by 1 May 2018 — written information on the follow-up to the recommendations contained in paragraphs 15, 27, 57 and 59 above.**

Dissemination

65. **The Committee also requests the State party to disseminate the Convention and the present concluding observations widely, including to public agencies, the judiciary, non-governmental organizations and other members of civil society, so as to increase awareness of the Convention among the judicial, legislative and administrative authorities, civil society and the public in general.**

7. Technical assistance

66. **The Committee recommends that the State party avail itself of international assistance, including technical assistance, to develop a comprehensive programme for the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with the specialized agencies and programmes of the United Nations system, including by requesting technical and capacity-building support from the Office of the United Nations High Commissioner for Human Rights with regard to the preparation of reports.**

8. Next periodic report

67. **The Committee requests the State party to submit its fourth periodic report by 1 May 2021 and to include therein information on the implementation of the present concluding observations. Alternatively, the State party may follow the simplified reporting procedure, whereby the Committee draws up a list of issues that is transmitted to the State party prior to the submission of its next report. The replies of the State party to that list of issues constitute its report under article 73 of the Convention, so that the State party does not need to submit its report in the traditional manner. This new optional procedure was adopted by the Committee at its fourteenth session, in April 2011 (see A/66/48, para. 26).**

68. **The Committee draws the State party's attention to its treaty-specific reporting guidelines (CMW/C/2008/1) and reminds it that periodic reports should not exceed 21,200 words, in compliance with the provisions of General Assembly resolution 68/268. In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned guidelines. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.**

69. **The Committee requests the State party to ensure the broad participation of all ministries and public bodies in the preparation of its next periodic report (or replies to the list of issues, in the case of the simplified reporting procedure) and, at the same time, to consult broadly with all relevant stakeholders, including civil society, migrant workers' rights organizations and human rights organizations.**